

# HOUSE . . . . . No. 2827

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By Mr. Dempsey of Haverhill, petition of Brian S. Dempsey relative to the payment of funeral expenses for indigent persons. Children and Families.

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## The Commonwealth of Massachusetts

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In the Year Two Thousand and Five.

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AN ACT RELATIVE TO DECEASED POOR AND INDIGENT PERSONS.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

1     SECTION 1. Chapter 117A of the General Laws is hereby  
2 amended by striking out section 9 and inserting in place thereof  
3 the following section:—

4     Section 9. The department shall provide for the decent final dis-  
5 position of all deceased persons who are at the time of death  
6 recipients of aid or assistance under this chapter, all deceased per-  
7 sons who, although without means of support at the time of death,  
8 did not apply for such aid or assistance; and all unknown persons  
9 found dead. The expense thereof may be recovered of their kin-  
10 dred, if any, chargeable by law for their support in the manner  
11 provided in this chapter; and if the expense of their funeral and  
12 final disposition is not paid by such kindred, an amount not  
13 exceeding \$1,100 shall be paid by the commonwealth to the  
14 funeral establishment; provided further, that the commonwealth  
15 shall have the right of reimbursement from whatever resources  
16 may exist in the estate of said person.

1     SECTION 2. Said chapter 117A is hereby further amended by  
2 striking out section 10 and inserting in place thereof the following  
3 section:—

4     Section 10. In case of the decease of a poor and indigent person  
5 the commonwealth shall pay toward the expense of the funeral  
6 and final disposition of such person a sum not exceeding eleven

7 hundred dollars to the funeral establishment; provided, however,  
8 that the commonwealth shall have the right of reimbursement  
9 from whatever resources may exist in the estate of said person.

1 SECTION 3. Section 2 of chapter 118 of the General Laws, as  
2 appearing in the 2002 Official Edition, is hereby amended by  
3 striking out the third paragraph and inserting place thereof the  
4 following paragraph:—

5 “The department may pay a sum not exceeding \$1,100 toward  
6 the funeral and final disposition of a recipient to the funeral estab-  
7 lishment provided that there are insufficient resources to pay for  
8 the cost of such funeral and final disposition. The commonwealth  
9 shall have the right of reimbursement from whatever resources  
10 may exist in the estate of the recipient.”

1 SECTION 4. Chapter 118A of the General Laws is hereby  
2 amended by striking out section 7 and inserting in place thereof  
3 the following section:—

4 Section 7. The department shall provide to aged and disabled  
5 residents of the commonwealth under this chapter a program of  
6 social services as enumerated under section 2 of chapter 18. In  
7 addition to the other benefits authorized by this chapter, the  
8 department may provide to such recipients grants of assistance in  
9 cases of fire, flood, or other disaster. The department may pay a  
10 sum not exceeding \$1,100 toward the funeral and final disposition  
11 of a recipient to a funeral establishment provided that there are  
12 insufficient resources to pay for the cost of such funeral and inter-  
13 ment. The commonwealth shall have the right of reimbursement  
14 from whatever resources may exist in the estate of the recipient.

1 SECTION 5. Section 23 of chapter 119 of the General Laws, as  
2 appearing in the 2002 Official Edition, is hereby amended by  
3 striking out the fifteenth paragraph and inserting in place thereof  
4 the following paragraph:—

5 “H. The department may pay a sum not exceeding \$1,100 the  
6 funeral and final disposition of a child in its care to a funeral  
7 establishment provided that there are insufficient resources to pay  
8 for the cost of such funeral and final disposition. The common-  
9 wealth shall have the right of reimbursement from whatever  
10 resources may exist in the estate of the child.”